

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-11931-RWZ

WARNER FABIAN

v.

STEVEN SILVA

MEMORANDUM OF DECISION AND ORDER


August 13, 2018

ZOBEL, S.D.J.

The judgment issued on July 23, 2018, is amended to add the following:

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, I grant a certificate of appealability ("COA") because Fabian made a substantial showing of the denial of a constitutional right, as required by 28 U.S.C. § 2253(c)(2). "When [a] district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Fabian has made this showing.

August 13, 2018
DATE


RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE